



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 26, 2010

CBCA 2010-RELO

In the Matter of LARRY L. POE, JR.

Larry L. Poe, Jr., Wheaton, MD, Claimant.

Gary L. Buck, USA Civilian Advisory Panel Member, PDTATAC, Office of the Assistant G-1 for Civilian Personnel Policy, Employment Policy Division, Department of the Army, Alexandria, VA, appearing for Department of the Army.

DRUMMOND, Board Judge.

Larry L. Poe, Jr., a retired civilian employee of the Department of Army (the agency), seeks reimbursement in the amount of \$3434.15 for the cost of storage in transit (SIT) of his household goods beyond the authorized ninety days.

Background

In 2009, the agency issued a travel authorization for Mr. Poe's separation return from overseas. Mr. Poe was authorized a period of ninety days for his SIT. Mr. Poe's household goods were shipped and placed in storage in Baltimore, Maryland, on April 3, 2009. The ninety days ended on July 2, 2009. Mr. Poe contends that he continued to keep his goods in storage after that date because he never received notice from the agency that his goods had arrived in the United States. Continued storage after the ninety days cost Mr. Poe \$3434.15. Mr. Poe was denied reimbursement for that storage cost by the Per Diem, Travel, and Transportation Allowance Committee (PDTATAC). The PDTATAC reasoned that he was properly charged for the excess storage cost beyond the ninety days authorized in his travel orders. As support, the PDTATAC notes that based on his travel orders, Mr. Poe should have known that his goods would arrive on or about April 14, 2009; that an attempt to reach

Mr. Poe by mail in June 2009 at the address listed on his travel authorization had failed because the letter was returned as undeliverable; and that Mr. Poe did not inquire about his household goods until January 2010.

Discussion

The PDTATAC correctly decided that the agency it is not responsible for the \$3434.15 in storage charges that accrued after July 2, 2009. The Federal Travel Regulation (FTR) deals with the time limitations for temporary storage. It states, “The initial period of temporary storage at Government expense shall not exceed ninety days in connection with any authorized HHG shipment.” 41 CFR 302-7.8 (2008).

Likewise, the Joint Travel Regulations (JTR), Part D: Household Goods (HHG) Transportation, provides, *inter alia*, that:

SIT ([in connection with] authorized HHG transportation) should not exceed 90 days unless the employee requests (in writing) an additional period, [not to exceed] 90 days, that is authorized/approved by a Service/Defense Agency designated official. If no additional storage is authorized/approved, the employee is financially responsible for the additional storage expense (FTR § 302-7.8).

JTR C5190-B.1. The import of this provision is that if goods continued to be stored after the expiration of the ninety days, the expense of the additional storage will be borne by the employee unless the employee requests and the agency approves an extension of up to an additional ninety days.

Contrary to Mr. Poe’s assertion, we can find no regulation that required the agency to notify him that his property had arrived. The agency correctly decided it is responsible for paying for ninety days of temporary storage. The regulations authorize the agency to pay for ninety days of temporary storage. Mr. Poe did not request nor did he receive approval for an additional ninety days. The agency’s decision to authorize only ninety days of temporary storage was not an abuse of discretion.

Decision

This claim is denied.

JEROME M. DRUMMOND
Board Judge

